

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**CURLING PLAINTIFFS’
SECOND SUPPLEMENTAL INITIAL DISCLOSURES**

(1) State precisely the classification of the cause of action being filed, a brief factual outline of the case including plaintiff’s contentions as to what defendant did or failed to do, and a succinct statement of the legal issues in the case.

Plaintiffs seek to enjoin the State of Georgia from using unsecure voting machines and systems in the state in violation of law and Plaintiffs’ constitutional rights.

(2) Describe in detail all statutes, codes, regulations, legal principles, standards and customs or usages, and illustrative case law which plaintiff contends are applicable to this action.

U.S. Const. amend. XIV, §2; 42 U.S.C. § 1983; Ga. Const. Art. II § Par. 1; O.C.G.A. §§ 9-6-20; 10-1-911; 10-1-912; 21-2-281; 21-2-334; 21-2-366; 21-2-379.1-.12; Ga. Comp. R. & Regs. 183-1-12-.02(7)(a); Ga. Comp. R. & Regs. 183-1-12-.11(2); Ga. Comp. R. & Regs. 590-8-1-.01(a)(3). For illustrative case law, Curling Plaintiffs point to that cited and discussed in their opposition to Defendants’ motion to dismiss, the briefing on their motions for preliminary injunction, and their oppositions to State Defendants’ appeals to the Eleventh Circuit as well as to the orders of the District Court and the Eleventh Circuit on the corresponding

motions and appeals.

(3) Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that you may use to support your claims or defenses, unless solely for impeachment, identifying the subjects of the information. (Attach witness list to Initial Disclosures as Attachment A.)

Please see Attachment A.

(4) Provide the name of any person who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. For all experts described in Fed.R.Civ.P. 26(a)(2)(B), provide a separate written report satisfying the provisions of that rule. (Attach expert witness list and written reports to Responses to Initial Disclosures as Attachment B.)

Please see Attachment B.

(5) Provide a copy of, or a description by category and location of, all documents, data compilations or other electronically stored information, and tangible things in your possession, custody, or control that you may use to support your claims or defenses unless solely for impeachment, identifying the subjects of the information. (Attach document list and descriptions to Initial Disclosures as Attachment C.)

Curling Plaintiffs have not yet completed their investigation of the facts underlying this lawsuit and have barely commenced discovery. Therefore, Curling Plaintiffs' disclosures are based solely on the information reasonably available at the present time and are submitted without prejudice to Curling Plaintiffs' right to supplement this disclosure and present additional evidence in any filing or proceeding, including but not limited to trial. Curling Plaintiffs reserve the right to disclose additional information or to supplement these disclosures as newly-discovered information becomes available.

At this time, Curling Plaintiffs identify the documents, data, and equipment produced to date in discovery and the testimony presently in the record as supporting their claims and rebutting Defendants' defenses

in this case.

(6) In the space provided below, provide a computation of any category of damages claimed by you. In addition, include a copy of, or describe by category and location of, the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered, making such documents or evidentiary material available for inspection and copying as under Fed.R.Civ.P. 34. (Attach any copies and descriptions to Initial Disclosures as Attachment D.)

Curling Plaintiffs seek no monetary damages, but have sought fees and costs and reserve the right to seek additional fees and costs which will be calculated at the appropriate time based on work performed as of that time.

(7) Attach for inspection and copying as under Fed.R.Civ.P. 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. (Attach copy of insurance agreement to Initial Disclosures as Attachment E.)

Curling Plaintiffs are not aware of any such insurance agreement.

(8) Disclose the full name, address, and telephone number of all persons or legal entities who have a subrogation interest in the cause of action set forth in plaintiffs cause of action and state the basis and extent of such interest.

Curling Plaintiffs are not aware of any person with a subrogation interest in this matter.

Dated: June 15, 2021

Respectfully submitted,

/s/ David D. Cross

David D. Cross (*pro hac vice*)

Veronica Ascarrunz (*pro hac vice*)

Eileen Brogan (*pro hac vice*)

Lyle Hedgecock (*pro hac vice*)
Mary G. Kaiser (*pro hac vice*)
Robert W. Manoso (*pro hac vice*)
MORRISON & FOERSTER LLP
2100 L Street, NW
Suite 900
Washington, DC 20037
Telephone: (202) 887-1500
DCross@mofo.com
VAscarrunz@mofo.com
EBrogan@mofo.com
LHedgecock@mofo.com
MKaiser@mofo.com
RManoso@mofo.com

Halsey G. Knapp, Jr.
GA Bar No. 425320
Adam M. Sparks
GA Bar No. 341578
KREVOLIN & HORST, LLC
1201 West Peachtree Street, NW
Suite 3250
Atlanta, GA 30309
HKnapp@khlawfirm.com
Sparks@khlawfirm.com

*Counsel for Plaintiffs Donna Curling,
Donna Price & Jeffrey Schoenberg*

Curling Plaintiffs – Attachment A

I. PRELIMINARY STATEMENT

Curling Plaintiffs have not yet completed their investigation of the facts underlying this lawsuit and are owed substantial, highly-relevant discovery from Defendants and key third parties involved with Georgia’s voting system, such as Dominion, Fortalice Solutions, and Pro V&V. Therefore, Curling Plaintiffs’ disclosures are based solely on the information reasonably available at the present time and are submitted without prejudice to Curling Plaintiffs’ right to supplement this disclosure and present additional evidence in any filing or proceeding, including but not limited to trial. Curling Plaintiffs reserve the right to disclose additional information or to supplement these disclosures as newly-discovered information becomes available.

II. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION

| Name and Contact Information | Subject of Information |
|---|---|
| Donna Adams Curling Contact through counsel | Experience voting in Georgia elections and individualized harm from Defendants’ violations of her constitutional right to vote. |
| Donna Diane Price Contact through counsel | Experience voting in Georgia elections and individualized harm from Defendants’ violations of her constitutional right to vote. |
| Jeffrey Schoenberg Contact through counsel | Experience voting in Georgia elections and individualized harm from Defendants’ violations of his constitutional right to vote. |
| Rebecca Wilson Contact through counsel | Election security and administration and feasibility of paper ballots. |
| Lowell Finley Contact through counsel | Election security and administration and feasibility of paper ballots. |

| | |
|--------------------------------|--|
| Richard Barron | Election management and security, and administration and feasibility of paper ballots. |
| Chris Harvey | Election management and security, and administration and feasibility of paper ballots. |
| Brian Kemp | Election management and security, and administration and feasibility of paper ballots. |
| Brad Raffensperger | Election management and security, and administration and feasibility of paper ballots. |
| Jordan Fuchs | Election management and security, and administration and feasibility of paper ballots. |
| Merritt Beaver | Election management and security, and administration and feasibility of paper ballots. |
| Merle King | Election security and administration and spoliation. |
| Stephen Gay | Election security and administration and spoliation. |
| Andrew Green | Election security and administration and spoliation. |
| Michael Barnes | Election management and security, feasibility of paper ballots, and spoliation. |
| Chris Gaddis | Election management and security, and administration and feasibility of paper ballots. |
| SAFE Commission Members | |
| Wenke Lee | Election security and feasibility of paper ballots. |

| | |
|--------------------------|---|
| Vincent Russo | Election security and feasibility of paper ballots. |
| Michael Jablonski | Election security and feasibility of paper ballots. |
| H. Maxine Daniels | Election security and feasibility of paper ballots. |
| Cynthia Welch | Election security and feasibility of paper ballots. |
| Amy Howell | Election security, voter accessibility, and feasibility of paper ballots. |
| Barry A. Fleming | Election security and feasibility of paper ballots. |
| Ryan Germany | Election management and security, and feasibility of paper ballots. |
| Blake Evans | Election management and security, and feasibility of paper ballots. |
| Kevin Rayburn | Election management and security, and feasibility of paper ballots. |
| Gabriel Sterling | Election management and security, and feasibility of paper ballots. |
| David Hamilton | Election management and security, and feasibility of paper ballots. |
| David J. Worley | Election management and security, and feasibility of paper ballots. |
| Rebecca Sullivan | Election management and security, and feasibility of paper ballots. |
| Matthew Mashburn | Election management and security, and feasibility of paper ballots. |
| Anh Le | Election management and security, and feasibility of paper ballots. |
| Seth Harp | Election management and security, and feasibility of paper ballots. |

| | |
|-------------------------|---|
| Ralph F. Simpson | Election management and security, and feasibility of paper ballots. |
| Sara Ghazal | Election management and security, and feasibility of paper ballots. |

Curling Plaintiffs – Attachment B

I. PRELIMINARY STATEMENT

Curling Plaintiffs have not yet completed their investigation of the facts underlying this lawsuit and have barely commenced discovery. Therefore, Curling Plaintiffs' disclosures are based solely on the information reasonably available at the present time and are submitted without prejudice to Curling Plaintiffs' right to supplement this disclosure and present additional evidence in any filing or proceeding, including but not limited to trial. Curling Plaintiffs reserve the right to disclose additional information or to supplement these disclosures as newly-discovered information becomes available.

Curling Plaintiffs will identify experts and provide the required corresponding disclosures at the appropriate time in accordance with the Scheduling Order entered in this case. Curling Plaintiffs reserve the right to offer additional testimony on further topics from the experts identified below, or to identify further experts.

II. EXPERT WITNESS LIST

| Name | Subject of Expert Testimony |
|------------------------------|---|
| Dr. J. Alex Halderman | Election security, including but not limited to analyses of actual or potential compromise of Georgia's voting system and any significant vulnerabilities with or unreliability of that system potentially affecting the correct tabulation of votes; election integrity, including but not limited to voter verifiability and verification of ballots; election audits; feasibility of hand-marked paper ballots; and spoliation. Please see the prior testimony submitted by Dr. Halderman in this case for more information. Dr. |

ny-2125108

| | |
|-------------------------|--|
| | Halderman also may provide rebuttal testimony to any testimony or other disclosures from Defendants. |
| Dr. Andrew Appel | Election security, including but not limited to any significant vulnerabilities with or unreliability of that system potentially affecting the correct tabulation of votes; election integrity, including but not limited to voter verifiability and verification of ballots; election audits; and feasibility of hand-marked paper ballots. Please see the prior testimony submitted by Dr. Appel in this case for more information. Dr. Appel also may provide rebuttal testimony to any testimony or other disclosures from Defendants. |
| Vincent Liu | Election security, including but not limited to analyses of actual or potential comprise of Georgia's voting system and any significant vulnerabilities with or unreliability of that system potentially affecting the correct tabulation of votes; spoliation. Please see the prior testimony submitted by Mr. Liu in this case for more information. Mr. Liu also may provide rebuttal testimony to any testimony or other disclosures from Defendants. |
| Matt Gleason | Election security, including but not limited to analyses of actual or potential comprise of Georgia's voting system and any significant vulnerabilities with or unreliability of |

| | |
|---------------------------|---|
| | that system potentially affecting the correct tabulation of votes; spoliation. Mr. Gleason also may provide rebuttal testimony to any testimony or other disclosures from Defendants. |
| Dr. Nathan Woods | Dr. Woods will present rebuttal testimony regarding statistical issues, including but not limited to a rebuttal to the declaration submitted by Dr. Michael Shamos. |
| Ms. Rebecca Wilson | Ms. Wilson will provide expert testimony regarding her experience as a chief election judge using hand-marked paper ballot and electronic voting systems, and the transition from an electronic to hand-marked paper ballot system. Please see the prior testimony submitted by Ms. Wilson in this case for more information. |
| Mr. Lowell Finley | Mr. Finley will provide expert testimony regarding election administration and integrity. Please see the prior testimony submitted by Mr. Finley in this case for more information. |

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRAD RAFFENSPERGER , ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

CERTIFICATE OF SERVICE

I hereby certify that on June 15, 2021, a copy of the foregoing **Curling Plaintiffs' Second Supplemental Initial Disclosures** was electronically filed with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing to all attorneys of record.

/s/ David D. Cross
David D. Cross